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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/165,772	10/02/98	COOK	J 97P7709US01

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
186 WOOD AVENUE SOUTH  
ISELIN NJ 08830

MM42/0303

EXAMINER

POLITZER, J

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 03/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/165,772**

Applicant(s)  
**Cook et al**

Examiner  
**Dr. Jay L. Politzer**

Group Art Unit  
**2856**



☒ Responsive to communication(s) filed on Jan 25, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) 4-16 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 09/165,772

Art Unit: 2856

Title: TEMPERATURE CORRECTION METHOD AND SUBSYSTEM FOR  
AUTOMOTIVE EVAPORATIVE LEAK DETECTION SYSTEMS

Filed: 10/2/98

Inventor(s): Cook et al

Attorney(s): Weingaertner

### ***DETAILED ACTION***

#### **REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 103:**

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

2. Claims 1-3 are rejected under 35 U.S.C. § 103 as being unpatentable over Basile.

Regarding Claims 1-2; see Col 3, Li 12-41 wherein pressure and temperature are continually measured and pressure is always temperature compensated. Basile tests tanks but fails to test automotive tanks. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Basile's method to automotive tanks because this is analogous art with the same classification.

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Regarding Claim 3; Basile fails to teach this exact equation. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Applicant's equation or variations of it because the perfect gas law and manipulations using it are notoriously old and well known in the art.

**DESCRIPTION OF UNAPPLIED ART:**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it teaches other tank testing approaches.

**INQUIRIES:**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jay L. Politzer whose telephone number is (703) 305-4930 and whose facsimile number is (703) 308-7725
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached at (703) 305-4705.
6. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

jlp 2/28/00

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*Hezron E. Williams*  
Supervisor  
Examination Group 2856  
February 28, 2000